

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

CHARLES HARDY, *individually and on behalf of
all others similarly situated,*

Plaintiff,

ORDER
12 CV 5619 (ERK)(LB)

-against-

CAMBRIDGE SECURITY SERVICES, CORP.,

Defendant.

-----X

BLOOM, United States Magistrate Judge:

Pursuant to my March 5, 2013, order, the parties move for the Court's approval of their agreed upon proposed notice of collective action and for conditional certification of this matter as a collective action under § 216(b) of the Fair Labor Standards Act. The requests are hereby granted. (ECF No. 12.)

"Determining what constitutes sufficient notice to putative plaintiffs in a Section 216(b) collective action is a matter left to the discretion of the district courts." Laroque v. Domino's Pizza, LLC, 557 F. Supp. 2d 346, 356 (E.D.N.Y. 2008) (citation omitted). In exercising our discretion, "[c]ourts consider the overarching policies of the collective suit provisions" and "whether the proposed notice provides 'accurate and timely notice concerning the pendency of the collective action, so that [an individual receiving the notice] can make an informed decision about whether to participate.'" Delaney v. Geisha NYC, LLC, 261 F.R.D. 55, 59 (S.D.N.Y. 2009) (quoting Fasanelli v. Heartland Brewery, Inc., 516 F. Supp. 2d 317, 323 (S.D.N.Y. 2007)).

The Court has reviewed the parties' proposed Notice of Collective Action and Consent to Join form and finds them sufficient.¹ The Court conditionally certifies this case to proceed as a collective action under § 216(b) of the Fair Labor Standards Act. Defendant shall provide plaintiff with the names and addresses of all current and former armed guards who were paid by Cambridge on a 1099

¹ The Court has made several changes to the parties' proposed notice. The revised notice is attached to this order.

basis and who worked in excess of forty (40) hours per week, who were employed by Cambridge at any time during the last three years, by April 11, 2013. Plaintiff shall mail the revised notice of collective action attached to this order by April 22, 2013, and any opt-in plaintiffs shall file their consent to sue forms by June 24, 2013. The Court shall hold a status conference on June 27, 2013 at 10:00 a.m. in Courtroom 11A.

SO ORDERED.

/S/

LOIS BLOOM
United States Magistrate Judge

Dated: March 29, 2013
Brooklyn, New York